



CITY OF MORGAN HILL

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PLANNING COMMISSION MINUTES

REGULAR MEETING

JUNE 27, 2000

PRESENT: Kennett, Lyle, Mueller, Sullivan

ABSENT: Pinion, McMahon

LATE: Ridner

STAFF: Planning Manager (PM) Rowe, Associate Engineer (AE) Creer and Administrative Secretary Smith

REGULAR MEETING

Vice-Chair Kennett called the meeting to order at 7:00 p.m.

DECLARATION - POSTING OF AGENDA

Administrative Secretary Smith certified that this meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

PUBLIC COMMENTS

Vice-Chair Kennett opened the floor to public comments.

There being none, Vice-Chair Kennett closed the public comments.

MINUTES

JUNE 13, 2000

COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO APPROVE THE JUNE 13, 2000 MEETING MINUTES AS WRITTEN. THE MOTION CARRIED BY A VOTE OF 3-0, WITH LYLE ABSTAINING, AND MCMAHON, PINION AND RIDNER ABSENT.

NEW BUSINESS:

**1) UP-00-02:
LLAGAS-OLD
MORGAN HILL
ELEMENTARY
SCHOOL**

A proposed conditional use permit to allow the relocation and reuse of the former Morgan Hill Elementary School. The project involves the relocation of the 16,000 sq. ft. building from its existing location at the corner of E. Dunne Ave. and Monterey Rd. to a 2.55 acre parcel at the southwest corner of the intersection of Hale Ave. and Llagas Rd. Upon relocation, the school building would be rehabilitated and reused as a private elementary school accommodating up to 200 students. The project size is zoned R-1 (7000) single family residential.

PM Rowe presented the staff report. In conclusion he stated that the City's Redevelopment Agency (RDA) will be providing financial assistance to the project for the preservation of the School and, therefore, recommended the following two changes to the standard conditions of approval: 1) Addition of Item H1 on page 7; and 2) Addition of an Item #15 on page 27, which would read: "Public use of the school facilities shall be allowed in accordance with the Redevelopment Agency funding agreements or other related agreements on file with the City". On behalf of Staff, he then recommended the Commission to approve the Mitigated Negative Declaration and Resolution No. 00-41, with the requested modifications to the Standard Conditions of Approval. PM Rowe and AE Creer responded to questions and comments from the Commissioners.

Commissioner Lyle commented that he thought that 33 parking spaces are not sufficient. He also stated that he had a major concern with the traffic analysis performed, as he felt that the background condition report and the project condition list are understated, and that he did not understand why the student pickup area of the site on Llagas is not identified as a problem. Commissioner Mueller commented that it is obvious that the traffic consultants are still using old Hwy 101 data, because E. Dunne to Cochrane Road is in no way operating at a level of service "C" between 7:30 a.m. and 8:00 a.m. He stressed that new data needs to be put into the reports as quickly as possible. Commissioner Mueller also recommended that a condition be added that would require staggered departure times in the pick-up area. He then requested that he would like for all of the off-site improvements on Hale and Llagas to be coordinated with the other residential projects in an effort to reduce the number of citizen complaints.

Vice-Chair Kennett opened the public hearing.

Marilyn Chong, 280 Hazelton Ct., spoke in opposition of the request due to her concern with the increased traffic impact.

Jerry DiSalvo, developer of the project site, addressed questions from the Commission. Mr. DiSalvo, in response to questions from Commissioner Mueller, stated that there should not be a problem adding a condition to stagger the student departure pick-up times, nor with ensuring that the parents remain on collector streets and not use the residential streets when dropping off and picking up their children from the school.

Gloria Pariseau, on behalf of applicant, responded to comments regarding the preservation of the integrity of the building during the move; the comparison of Carden's queuing situation when parents are picking up their children to the San Jose school; and the

additional parking plan for special events. She also responded to questions from the Commission.

Richard Stallkamp, 18305 Murphy Springs Dr., commented that he felt that the traffic report was prepared too fast, as he found that all the maps had an error on them, that there was no basis indicated for the observation that there will not be a problem with traffic during the afternoon, and that there was the omission of the impact of the planned usage by Cisco. Mr. Stallkamp said that he was not for or against the school, but that he just wanted to ensure that the project is done right. He continued by saying that his main concerns included the inadequacy of information on the traffic, and the long-term viability of the School. He concluded by stating that he felt that those issues should be looked into more in depth before proceeding any further.

George Panos, 1117 Deana Ct., indicated that his goal was to impress upon the Commission that not enough measures have been added to the project regarding the traffic, and that the neighbors of Llagas Valley need to hear specifically how the City will ensure smooth traffic flow. Mr. Panos requested the Commission to "postpone" their vote on the project until specific details are ironed out regarding the traffic impact related to the School. In his final comments, he stated that should Carden not continue its relationship with the developer at a later stage and there are no safeguards placed into that agreement, that he did not feel that blight and heavy traffic should be redistributed into their neighborhoods without further studies being done.

Nancy LaRocque, 760 Las Palmas Dr., Hollister and a Carden School parent, reviewed the drop off and pick-up times. She also provided comments regarding the traffic flow, faculty and staff meetings, parents' meetings, and the other School activities held. Ms. LaRocque then answered questions from the Commission.

Brian Richardson, 3445 Oakwood Ct. and a Carden School parent, also spoke in favor of the School and asked for the Commission's support. He noted that when Carden have special events that are larger than they can accommodate at their facilities, they use other community facilities.

Vice-Chair Kennett closed the public hearing.

The Commission entered into discussion. Commissioner Lyle stated that he would probably vote against the request as presented, because he is not happy with the parking; he does not have a level of comfort with the traffic numbers, primarily because a number of things were left out of the background and project conditions; and that the p.m. traffic is dismissed without being looked at rigorously. PM Rowe pointed out on the site plan that the basketball court is an overflow parking area which will also provide 16 additional spaces, in addition to the 33 spaces in the parking lot. He also stated that a condition for monitoring the on-site circulation already exist, which presents the opportunity for further changes to provide additional storage on-site for overflow, as well as to address the queuing problem.

Commissioner Mueller felt that other conditions should also be added, such as staggered departure pick-up times so that the queuing is never exceeded on-site; a condition

mandating that before the student population get above 135 or so, that Carden shall come back before the Commission for review of their operation and usage; and the requirement that Carden ensures that the parents will only use the collector streets for dropping off and picking up students.

Commissioner Sullivan stated that she was extremely disappointed by the traffic report and that Staff was not more rigorous about enforcing a better traffic report. She stated that she absolutely agreed with Commissioner Mueller that more conditions should be added, especially the moving of the basketball court over to allow for the expansion of the parking area. Commissioner Sullivan felt that if there was still a problem with the staggering of the departure pick-up times, then she would like to see Commissioner Mueller's suggestion of putting a first-year review conditional use on the School, because by the time this project begins, the Coyote Valley Research Park will also be starting, as well as a number of the other projects.

Vice-Chair Kennett voiced concern with the traffic report and whether it is including all of the possibilities for future growth in the area. She stated that she also agreed with Commissioner Mueller's suggestion that they put in place a trigger mechanism by number and by time where at some point the Commission can reassess the use. Commissioner Mueller added that he would like for the Commission to put in place rules that will allow the project to proceed, but at the same time give the Commission fairly tight controls.

Commissioner Lyle indicated that he had a real problem with the wording of Finding #2 on page 2 of the Mitigated Negative Declaration that the project will not have any significant adverse impacts on traffic or land use. He requested that the Finding be reworded. PM Rowe suggested amending Finding #2 to read: ".....adverse impacts on traffic or land use, **subject to items 16, 17, 18 and 19 under "Other Conditions" on page 27 of the Standard Conditions of Approval**". Commissioner Mueller pointed out that the title should be corrected to read Mitigated Negative Declaration.

COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO APPROVE THE MITIGATED NEGATIVE DECLARATION WITH THE FOLLOWING MODIFICATIONS: 1) FINDING #2 AMENDED TO READ: ".....ADVERSE IMPACTS ON TRAFFIC OR LAND USE, **SUBJECT TO ITEMS 16, 17, 18, AND 19 UNDER "OTHER CONDITIONS" ON PAGE 27 OF THE STANDARD CONDITIONS OF APPROVAL."; AND 2) CORRECT TITLE TO READ "**MITIGATED** NEGATIVE DECLARATION". THE MOTION CARRIED ON A VOTE OF 4-0, WITH MCMAHON, PINION, AND RIDNER ABSENT.**

ON A MOTION BY COMMISSIONERS MUELLER/SULLIVAN RESOLUTION NO. 00-41 WAS APPROVED, WITH THE FOLLOWING ADDITIONS TO PAGE 27 OF THE STANDARD CONDITIONS OF APPROVAL: 1) PUBLIC USE OF THE SCHOOL FACILITIES SHALL BE ALLOWED IN ACCORDANCE WITH THE REDEVELOPMENT AGREEMENTS AND ANY OTHER RELATED AGREEMENTS ON FILE WITH THE CITY; 2) STAGGERED ARRIVAL AND DEPARTURE TIMES SHALL NOT EXCEED THE QUEUING CAPACITY ON-SITE; 3) OBTAIN UPDATED TRAFFIC REPORT WITH UPDATED BACKGROUND AND PROJECT CONDITIONS AND BRING BACK BEFORE

THE COMMISSION FOR REVIEW BEFORE THE STUDENT POPULATION INCREASE ABOVE 130; 4) PARENTS SHALL LIMIT ACCESS TO THE SITE FOR DROP OFF AND PICK UP OF STUDENTS USING COLLECTOR STREETS ONLY; 5) MOVE BASKETBALL COURT OVERFLOW AREA OVER TOWARDS THE EAST TO EXPAND THE PARKING LOT AREA; 6) REVIEW SIX MONTHS AFTER OPERATION; 7) AMEND ITEM #13 TO READ: “.....RESTRICTED TO AFTER 8:30 **BETWEEN 8:30 A.M. AND 6:00 P.M.”; 8) ON PAGE 7, ADD CONDITION H.1; AND 9) ON PAGE 1 AMEND ITEM #3 TO READ: “.....~~TWELVE (12)~~ FIFTEEN (15) MONTHS TO ~~JUNE 27, 2001~~ **OCTOBER 1, 2001.**” THE MOTION CARRIED ON A VOTE OF 4-0, WITH MCMAHON, PINION AND RIDNER ABSENT.**

Vice-Chair Kennett stepped down from the dias for item #2, due to a possible conflict of interest.

Commissioner Ridner took his seat at the dias and assumed as Acting Chair.

Commissioner Mueller requested that the R-2 general plan and zoning amendment for the Llagas and Hale adjacent corner parcel be brought back before the Commission for review, based on the action taken on the Carden Academy request. He thinks that there may be a parcel in that area that is now incorrectly zoned based on what's gone on around it and the amount of land zoned.

**2) UPA-98-17:
SUTTER-TBI**

A request to amend a conditional use permit to allow office uses in an existing building at 18625 Sutter Blvd. in a Light Industrial (ML) zoning district. PM Rowe presented the staff report, concluding with Staff's recommendation to adopt the Negative Declaration and approve the use permit amendment, subject to the findings and conditions contained in Resolution No. 00-40. The Commission then asked several questions of PM Rowe.

Acting Chair Ridner opened the meeting to public comments.

Applicant Dan Amend, requested the Commission's approval and advised that there are currently three uses there in response to Commissioner Lyle's question.

There being no further comments, Acting Chair Ridner closed the public hearing.

The Commission discussion and further questioning of Staff took place. Commissioner Mueller suggested that if traffic in the initial studies are really being done based on light industrial, then the Commission should put in place a generalized PUD condition that limit a percentage or square footage, because of current build-out rates and so that problems are not encountered down the road. Commissioner Lyle stated that he agreed with Commissioner Mueller's comments and also requested that Finding #2 of the Negative Declaration be modified to reference the requirement of the project to pay additional traffic impact fees to assist with the mitigation.

Commissioner Sullivan suggested adding a condition to Resolution No. 00-40 regarding the need to review the parking overflow of the project to ensure sufficient parking is maintained.

COMMISSIONERS LYLE/SULLIVAN MOVED TO APPROVE THE MITIGATED NEGATIVE DECLARATION, WITH AMENDMENT TO FINDING #2 TO READ: “.....ADVERSE IMPACTS ON TRAFFIC OR LAND USE, **BASED ON PAYMENT OF INCREASED TRAFFIC IMPACT FEES.**” THE MOTION PASSED ON A VOTE OF 4-0 WITH KENNETT, MCMAHON AND PINION ABSENT.

ON A MOTION BY COMMISSIONERS MUELLER/SULLIVAN, RESOLUTION NO. 00-40 WAS APPROVED WITH THE ADDITION OF A CONDITION “G” ON PAGE 3 REQUIRING THE REVIEW OF THE PARKING OVERFLOW SITUATION. THE MOTION CARRIED BY A VOTE OF 4-0, WITH KENNETT, MCMAHON AND PINION ABSENT.

Commissioner Kennett returned to her seat on the dais and resumed as Vice-Chair.

OLD BUSINESS:

3) ZA-00-07: CITY OF MORGAN HILL SUBCOMMITTEE A request to further amend Chapter 18.78 of the Morgan Hill Municipal Code, amending the evaluation standards and criteria for proposed residential developments as set forth in Sections 18.78.200 through 18.78.330 of the Municipal Code.

RECOMMENDATIONS FOR CHANGES TO RDCS STANDARDS AND CRITERIA

Vice-Chair Kennett opened the public hearing.

Carolyn Hipp, representing Warmington Homes, read a statement outlining Warmington’s concerns with reference to the Schools criteria and requested the Commission’s consideration of changes in the Schools criteria when future changes are made to the RDCS standards and criteria.

PM Rowe commented with respect to the statement read by Ms. Hipp. He advised that before the current criteria was adopted Staff hired an outside law firm, who reviewed the adjustments, and the opinion was that it is consistent with the Schools Facilities Act as is currently adopted in the Schools scoring criteria. He further stated that this was also an issue that Ms. Hipp brought up during the Subcommittee meeting, and that Staff did indicate to the Council that the Subcommittee would be willing to meet one additional time to look at possible point opportunities in the Schools Category for projects that are not in Mello-Roos or through some other possible approaches. However, the Council indicated that they desired the Commission and its Subcommittee to conclude and limit further changes to just the Lot Layout and Orientation and the Orderly and Contiguous Development categories. PM Rowe added that this did not preclude the Schools criteria from further consideration for future Measure P scoring adjustments.

Vice-Chair Kennett closed the public hearing to further comments.

The Commission entered into discussion. Commissioner Mueller requested that the Commission deal with the Mello-Roos issue as something outside of the amendments that are currently going to the Council. He stated that he would like to see the Commission revisit the issue well before the next Measure P competition, because he is concerned with getting opinions and getting through the thought process without being under tight time

constraints to make sure that it is done appropriately. It was the general consensus of the Commission to agendaize and bring the Mello-Roos scoring criteria issue back before the Commission at a later meeting.

COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO APPROVE RESOLUTION NO. 00-42, RECOMMENDING CITY COUNCIL APPROVAL OF THE FURTHER CHANGES TO THE RDCS STANDARDS AND CRITERIA PROCEDURES. THE MOTION CARRIED BY A VOTE OF 5-0, WITH MCMAHON AND PINION ABSENT.

ADJOURNMENT: There being no further business, Vice-Chair Kennett adjourned the meeting at 9:25 p.m.

MINUTES RECORDED AND PREPARED BY:

FRANCES O. SMITH
Administrative Secretary

PLANNING COMMISSION MINUTES

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